

ACADEMIC AWARD REGULATIONS

Procedure for a student to appeal against the decision of an Assessment/Award Board

Name of regulation :	Procedure for a student to appeal against the decision of an Assessment/Award Board
Purpose of regulation :	To provide details of how students can appeal against an Assessment/Award Board Decision
Approval for this regulation given by :	Academic Board
Responsibility for its update :	Director of Student and Academic Services
Regulation applies to :	To all students registered on Staffordshire University awards.
Date of Approval :	July 2016
Proposed Date of Review :	July 2017

1. General

- 1.1** The University recognises that there may be circumstances in which you wish to appeal against the decision of Assessment/Award Boards and the procedures set out below are designed to ensure that such appeals are dealt with in a fair and consistent way.
- 1.2** Examinations and assessments shall be conducted in accordance with the approved examination regulations of the award and of the University and in accordance with the principles and regulations laid down by other appropriate validating bodies.
- 1.3** The information and evidence you provide in support of your appeal will normally be shared with the Faculty. All information and evidence will be handled in a sensitive manner and confidentiality maintained between those staff reviewing your appeal.
- 1.4** If the academic appeal applies to a group or cohort of students, then it is expected that one person will act as a group representative and all communication will be through this representative. All students

wishing to be considered as part of a group complaint will need to provide their name, student number and signature agreeing to the details within the appeal.

What is an academic appeal?

An appeal is 'a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.' (QAA, UK Quality Code for Higher Education, 2013)

2. Grounds on which an appeal can be made

2.1 An appeal against the decision of a properly convened and constituted Assessment/Award Board will only be considered if it meets one or both of the following grounds:

- (a) that there has been a material error or irregularity, for example that the examinations or assessments were not conducted in accordance with the current regulations of the award; or
- (b) that your performance was adversely affected by illness or other factors which you were unable, for valid reasons, to divulge before the published deadline for presenting extenuating circumstances. Such a request must be supported by full and original medical or other documentary evidence, together with a full explanation of why this information was not divulged before the decision concerned was reached. Where appropriate, your appeal must specify the precise dates of the illness or other factor(s) affecting your performance and an assessment from a doctor or other independent person about the impact of these circumstances on the dates when you were preparing or undertaking assessments. Please note that you are required to meet all of the costs associated with assembling the information you wish to provide in support of your appeal. It is important to note that the University's Examination Regulations specify that once you have entered the examination venue, you deemed yourself to be fit to take the examination. Retrospective medical evidence purporting to certify illness at the time when you took the examination will not normally be acceptable.

N.B. You will be expected to provide a copy of your award board decision letter in order for your appeal to be considered.

Appeals based on extenuating circumstances will not normally be accepted unless you are able to demonstrate valid reasons why these were not divulged before the published deadline for presenting extenuating circumstances.

2.2 The following examples, which are not exhaustive, do not constitute grounds for review:-

- (a) A challenge to the academic judgement of a properly convened and constituted Assessment/Award Board. This means, amongst other things, appealing on the grounds that the marks awarded were too low.
- (b) Complaints about perceived or real failures in duty of care or quality of education. These are dealt with separately under the University's Complaints Procedures.
- (c) An appeal against an Academic Misconduct decision. This will be processed in line with the Academic Award Regulations: Procedure for Dealing with Breaches of Assessment Regulations – Academic Misconduct.
- (d) An appeal against the decision of the Extenuating Circumstances Panel. This will be considered under the Extenuating Circumstances Procedure.
- (e) An appeal based on the grounds that you did not understand, or were not aware of, the University's regulations or procedures.

3. Procedure

3.1 Before submitting an appeal, you may wish to seek clarification about your results and gain feedback from your tutors. You are also encouraged to seek advice from your Student Guidance Advisor or the Students' Union Advice Centre in relation to any concerns that you may have or the submission of an appeal. You can find a link to your Student Guidance Advisors here:

http://www.staffs.ac.uk/support_depts/studentguidance/advisors/index.jsp and Students' Union Advice Centre here:
<http://www.staffsunion.com/advice/>

3.2 If you decide to appeal, you must write to the Academic Regulations & Compliance Officer - at regulations@staffs.ac.uk - within 15 working days of the publication of the formal award board decision setting out the information in 3.3 below. Requests received after this time will only be considered in the most exceptional circumstances where the Academic Regulations & Compliance Officer accepts that there were compelling reasons why you were not able to lodge a request within fifteen working days. You may be asked to provide evidence to support the reasons for any delay in submitting your appeal.

3.3 The written request for a review should be submitted on the appeals form (Appendix 1) and must include:

- (a) A copy of your award board decision.

- (b) Your full name, student reference number, correspondence address for the appeal, telephone number (home or mobile), award title and year of study.
 - (c) Details of the decision which you are asking to be reviewed (this is usually the decision of the Assessment/Award Board, for example about your failure of particular modules or your progression to the next stage of your programme of study).
 - (d) The name of your Course Leader.
 - (e) Full details of the grounds for your appeal.
 - (f) If these grounds relate to illness or other extenuating factors, full and valid reasons as to why a claim for extenuating circumstances had not been submitted by the due date, together with appropriate evidence as in 2.1(c) above.
- 3.4** The Academic Regulations & Compliance Officer or nominee shall acknowledge receipt of a request for review of an Assessment/Award Board decision within five working days.
- 3.5** The Academic Regulations & Compliance Officer or nominee will make an assessment of the case, in order to determine whether the appeal satisfies the grounds as outlined in paragraphs 2.1(a) – (b) above. It may occasionally be necessary for the University to speak with you directly about your appeal, if there are issues to be clarified.
- 3.6** The Academic Regulations & Compliance Officer will deal with all appeals as quickly as possible and will seek to respond to your appeal with 25 working days of its receipt. (If you have been unable to produce evidence at the time you have submitted your appeal, the 25 working days will commence once the evidence has been submitted.) However, for various reasons, including the unavailability of key staff members at certain times of the year, it is not always possible to obtain all the required information within the specified timescale. In those cases, where the University is unable to deal with your appeal within 25 working days, the Academic Regulations & Compliance Officer, or nominee, will keep you informed, in writing, of progress.
- 3.7** If your appeal is deemed not to satisfy the grounds as outlined in paragraphs 2.1(a) – (b) above, The University's internal procedures will, at this point, have been exhausted and a 'completion of procedures' letter will be issued to you with advice to contact the Office of the Independent Adjudicator for Higher Education if you wish the appeal to be considered further.
- 3.8** If your appeal satisfies the grounds as outlined in paragraphs 2.1(a) – (b) above, relevant Faculty or Service staff will be asked to provide information in relation to your appeal.

- 3.9** Once the Faculty has provided the Academic Regulations & Compliance Officer with the required information in relation to your appeal, s/he will take one of the following decisions and notify you accordingly:
- (a) To dismiss the appeal if there is evidence that the Assessment/Award Board has already taken proper account of the points raised in the appeal, that the regulations and procedures have been properly implemented or, for example, that there is no sound reason why extenuating circumstances could not have been submitted by the due date before the meeting of the Assessment/Award Board. You will be given a further 10 working days in which to submit any new evidence that you wish the University to review. If you do provide additional evidence then the procedures in paragraphs 3.4 – 3.10 will be followed. If you do not provide any additional evidence to support your appeal, the University's internal procedures will, at this point, have been exhausted and a 'completion of procedures' letter will be issued to you with advice to contact the Office of the Independent Adjudicator for Higher Education if you wish the appeal to be considered further.
 - (b) If the investigation reveals evidence that there has been a material error or irregularity or grounds why your extenuating circumstances could not have been divulged by the due date before the meeting of the Assessment/Award Board, the Academic Regulations & Compliance Officer may uphold the appeal on behalf of the Academic Board without recourse to an Assessment Appeals Committee.
 - (c) To refer the appeal back to the Assessment/Award Board to amend or review its decision in the light of the evidence collected during the investigation, normally within 20 days. Cases shall only be referred back to the Board where the Academic Regulations & Compliance Officer concludes that the full Board needs to consider the outcome in terms of your progression or award.
 - (d) To convene an Assessment Appeals Board, normally within 20 days. Cases shall only be referred to an Assessment Appeals Board where the Academic Regulations & Compliance Officer determines that complexity of the issues raised in your appeal require your testimony and those of witnesses to be heard.
- 3.10** If you are dissatisfied with the decision made by the Academic Regulations & Compliance Officer, or nominee, then you can write to the Director of Student and Academic Services setting out the grounds for your appeal against that decision. You can only appeal on the following grounds.
- (1) that there was a material procedural irregularity with regard to the appeal decision which demonstrably affected the outcome of the claim;

- (2) that the decision in relation to the appeal decision was manifestly perverse. In this context, perverse is taken to mean that the appeal decision made was not a possible conclusion that a similar investigation might have reached.

4. Membership of the Assessment Appeals Board

4.1 The membership of the Assessment Appeals Board shall comprise:

- (a) A Deputy Vice-Chancellor or a Faculty Dean, or an Associate Dean of Learning and Teaching, other than from the Faculty in which you are studying.
- (b) Two Academic Staff representatives who shall also be members of the Academic Board or Learning, Teaching and Assessment Committee, having no direct connection with your case.
- (c) Students' Union representative

The Academic Regulations & Compliance Officer or nominee will act as Secretary of the Board but play no part in the decision making process.

4.2 Members of the Assessment/Award Board responsible for the decision concerned shall not be members of the Assessment Appeals Board.

5 Procedures for the Assessment Appeals Board

5.1 The Secretary to the Board shall provide both the Assessment Appeals Board and you with the following information, at least 5 working days in advance of the scheduled meeting:

- (a) Your letter of appeal, together with any supporting documentary evidence.
- (b) The regulations governing the award and its assessment.
- (c) A statement from the Chair of the appropriate Assessment/Award Board responding to your request for review.
- (d) Copies of any other written information considered relevant by the Academic Regulations & Compliance Officer or nominee
- (e) A copy of these procedures.
- (f) The names of any staff members invited to give evidence to the Assessment Appeals Board.

5.2 You will be invited to attend the meeting of an Assessment Appeals Board to substantiate your case for a review. You may only be accompanied and represented by a fellow student or a representative from the Students' Union. In limited circumstances, where the University would be required to report its findings to the appropriate

professional body, and this would be wholly determinative or significantly influence your right to practise your chosen profession, legal representation may be permitted. In those circumstances, the University also retains the right to engage legal representation. Where it is necessary to send you papers for the Assessment Appeals Board by post, they will be sent to your preferred email address. If you wish any witnesses to present evidence on your behalf to the Assessment Appeals Board then you must notify the Secretary to the Board, in writing, at least 5 working days prior to the meeting and provide the full names and contact details of those witnesses.

- 5.3** The person chairing the Assessment/Award Board shall normally be invited to attend the meeting of the Assessment Appeals Board to put the case of the Assessment/Award Board in relation to the case under review.
- 5.4** The non-attendance at the meeting of any participant shall not invalidate the proceedings and a decision to proceed or otherwise with the meeting of the Assessment Appeals Board shall be determined by the Chair.
- 5.5** The proceedings shall be heard in private. The procedure to be followed at the hearing shall be determined by the Chair in consultation with other members of the Board at the commencement of the meeting. According to circumstances, the parties to the appeal may be seen separately (in whatever order is deemed appropriate) or together. All participants will be expected to behave in a professional, orderly and non-confrontational manner. The Chair may adjourn the meeting at any time if he/she believes that the progress of the meeting is being impeded.

6. Decision of the Assessment Appeals Board

- 6.1** The Assessment Appeals Board's decision shall be either:-
 - (a) That grounds for review have been established in which case it shall require the Assessment/Award Board to review its decision in the light of those grounds; or
 - (b) That no grounds for review have been established, in which case your appeal shall be rejected.
- 6.2** The Secretary of the Board shall inform you and the person chairing the Assessment/Award Board, in writing, of the Assessment Appeals Board's decision, with reasons, within five working days of the conclusion of the hearing.
- 6.3** The proceedings of the Assessment Review Board, other than the actual decision made, shall remain confidential to the Board's members.

7. Decision of the Reconvened Examination Board

- 7.1** If the Assessment/Award Board is required to reconvene, either as a result of the recommendation of the Assessment Appeals Board or as a result of the review carried out by the Academic Regulations & Compliance Officer (see section 3.8 (c) above), it will do so as soon as possible and in a timeframe agreed with the Academic Registrar and Director of the Student Experience.
- 7.2** The Assessment/Award Board after duly considering the information presented to it shall agree either to amend or to confirm its original decision.
- 7.3** Where the Assessment/Award Board agrees to confirm its original decision without taking proper consideration of the Assessment Appeals Board's decision, the Assessment/Award Board's decision may be annulled by the Academic Board which will then be responsible for appropriate follow-up action, including, if necessary, the establishment of a new Board of Examiners, in order to make revised recommendations. However, before taking such action the Academic Board will investigate the process of the reconvened Assessment/Award Board before accepting the confirmed decision.
- 7.4** The Academic Regulations & Compliance Officer or nominee shall inform you, in writing, of the Assessment/Award Board's decision immediately following the meeting of the Assessment/Award Board and shall submit an appropriate report of the case to the Academic Board.

8. Disabled students

We take our responsibilities to disabled students seriously. If you need us to make reasonable adjustments in order that you can attend a meeting of the Assessment Appeals Board, please let us know in advance and we will aim to meet your individual needs. This could mean relocating the hearing to a more accessible venue and/or making arrangements for a communicator or advocate to be present at the hearing. To enable us to do this, please contact the Academic Regulations & Compliance Officer –by e-mail at regulations@staffs.ac.uk – at least 5 working days of within the date of the meeting of the Assessment Appeals Board.

9. Students on Distance Learning Awards, those studying at Partner Colleges in the UK or overseas or based overseas

- 9.1** It is recognised that attendance at an Assessment Appeals Board in the University might be problematic for students on distance learning awards, or studying at Partner Colleges in the UK or studying or living overseas. As a result, such students will therefore be given the opportunity to:

- i) attend a hearing or interview in the University; OR
- ii) attend a hearing or interview in one of the University's Partner Colleges with the permission of that Partner College.
- iii) Video conferencing of such a hearing or interview via Skype will be considered where appropriate; OR
- iii) respond by correspondence to an identified member of staff in the University in accordance with the particular stage of the regulation in question

9.2 In all such cases, the timescales in these procedures will need to be adjusted. However, both the student and the University will be expected to fulfil their respective responsibilities within a reasonable timeframe.

9.3 Where students are studying at an overseas Partner College, the student should submit the appeal to the appropriate administrator at the overseas Partner College who will forward the appeal to the University. Please ensure that your appeal is as clear as possible with appropriate evidence to avoid delays. A form is available to assist you in providing the required information.

10. Legal Notice

The University reserves the right to suspend investigations into your appeal if a legal challenge is issued against the University or if there is a police investigation ongoing in relation to your appeal.

11. Office of the Independent Adjudicator (OIA)

Under the Higher Education Act 2004, Staffordshire University subscribes to the independent scheme for the review of student appeals. Once the University's internal procedures for the review of a student appeal have been exhausted, the University will issue you with a 'completion of procedures letter' to confirm that the University's procedures are complete and to advise you to contact the OIA if you wish to have your appeal reviewed further (provided that it is considered eligible under the OIA's rules).

Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

APPENDIX 1

Appeal Submissions

Please address your appeal to: Stephanie Bates, Academic Regulations & Compliance Officer at regulations@staffs.ac.uk

You need to include the following information in your e-mail:

You need to include the following information in your e-mail:

Full Name:

Student Reference number:

Award Title:

Faculty or School:

Address: (the decision will be sent to the address you put here)

Modules you are claiming for:

Module code:

Module title:

Type of assessment: (eg exam, assignment, class test etc)

Supporting Statement: (describe what has happened and how this effected your assessments.)

Supporting evidence – all appeals need supporting evidence. This can be from either a professional or agency. For example, if your circumstances relate to a health issue please provide a letter from your doctor, counsellor or other health professional or your employer if they are aware of your circumstances.

If you are appealing an extenuating circumstances decision please provide the original reference number for your on line claim. You must submit an appeal in writing within seven working days of receiving notification of the decision of the Faculty Extenuating Circumstances Panel.

If your claim is submitted after the deadline date for Extenuating Circumstances has passed, you will need to wait until you have received an award board decision. Only then are you able to submit an appeal in line with the Procedure for a student to appeal against the decision of an Assessment/Award Board.

If you did not use the extenuating circumstances process for these assessments please explain why you did not or were unable to submit an extenuating circumstances claim at the time of hand-in.

Your appeal may take up to 25 working days for a decision to be made.